

## Message Text

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PAGE 01 STATE 024641  
ORIGIN L-03

INFO OCT-01 AF-08 ISO-00 SCS-03 PPT-01 SCA-01 /017 R

DRAFTED BY L/SCA:REDALTON:EDD

APPROVED BY L/SCA:REDALTON

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AF/S - MR. R. PERRY (INFO)

-----040538Z 044803 /22

R 032046Z FEB 77

FM SECSTATE WASHDC

TO AMEMBASSY GABORONE

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E.O. 11652: N/A

TAGS: CGEN, CPAS, BC, US

SUBJECT: REQUEST FOR LEGAL CONSULAR GUIDANCE

REF: GABORONE 227

1. IF AMERICAN CITIZEN REQUESTS ANOTHER PASSPORT FOR CHILD AND APPEARS AT EMBASSY WITH CHILD, EMBASSY MAY ISSUE NEW PASSPORT TO CHILD.

2. LACK OF DATA MAKE IT IMPOSSIBLE FOR DEPARTMENT TO GIVE UNEQUIVOCAL ADVICE CONCERNING ELIGIBILITY FOR REPATRIATION LOAN. FROM FACTS PRESENTED, IT WOULD APPEAR THAT APPLICANT DOES NOT FALL WITHIN CATEGORIES OF INELIGIBLES SET OUT 7 FAM 375.1-2. FURTHER GUIDANCE SET OUT IN OTHER PARTS SECTION 375.

3. IF MOTHER AND CHILD WERE TO RETURN TO U.S., HUSBAND

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COULD PURSUE LEGAL REMEDIES IN AMERICAN COURTS. BOTSWANA DIVORCE GRANTING CUSTODY TO FATHER WOULD BE CONSIDERED IN U.S. COURT, BUT FOREIGN DECREES RELATING TO CUSTODY ARE NOT USUALLY ENFORCED. COURT IN WHOSE JURISDICTION CHILD IS PRESENT WILL NORMALLY CONSIDER ITSELF FREE TO MAKE WHATEVER CUSTODY ORDER IT CONSIDERS IN BEST INTEREST OF CHILD.

4. ALTHOUGH AMERICAN COURTS NOT REQUIRED TO ENFORCE DIVORCE DECREES, DIVORCE DECREE ITSELF (NOT CUSTODY ASPECTS) MIGHT BE ENFORCED, DEPENDING UPON CIRCUMSTANCES IN WHICH IT WAS GRANTED AND WHETHER SPOUSE SEEKING TO CHALLENGE DIVORCE DECREE WAS LEGALLY REPRESENTED IN FOREIGN DIVORCE PROCEEDINGS.

5. IN DIVORCE AND CHILD CUSTODY CASES POSTS ARE ENCOURAGED TO INFORM PARTIES TO LOOK TO COURTS TO ASSERT THEIR LEGAL RIGHTS. EMBASSY SHOULD NOT RISK BECOMING EMBROILED IN DOMESTIC PROBLEMS.

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01-Jan-1994 12:00:00 am  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
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**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 22 May 2009  
**Disposition Event:**  
**Disposition History:** n/a  
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**Disposition Remarks:**  
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**Enclosure:** n/a  
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**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
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**TAGS:** CGEN, CPAS, BC, US  
**To:** GABORONE  
**Type:** TE  
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**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009